

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

§

§

v.

§

CASE NUMBER 4:09-CR-00174-ALM-CAN

PATRICK ORLANDO ALLEN,

§

§

Defendant.

§

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 16, 2019, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Patrick Orlando Allen. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Jason Cassel.

Defendant originally pled guilty to the offense of Possession of a Firearm in Furtherance of a Drug Trafficking Crime, a Class A felony. The United States Sentencing Guideline range for this offense, based on a total offense level of N/A and a criminal history category of VI, was 262 to 327 months. On September 6, 2011, District Judge Richard Schell sentenced Defendant to 131 months imprisonment followed by five years of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, mental health treatment, and a \$100 special assessment. On June 11, 2019, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was prohibited from using any controlled substance. In Allegation 3 of its petition, the government alleges Defendant violated the conditions of his supervised release when he tested positive for methamphetamine on August 14, 2019. If the Court finds by a preponderance of the evidence that Defendant violated the

conditions of supervised release by using methamphetamine on August 14, 2019, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may revoke the term of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of VI, the Guideline imprisonment range for a Grade C violation is 8 to 14 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in Allegation 3 of the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 9 months imprisonment with no supervised release to follow.

The Court therefore **RECOMMENDS** that Defendant Patrick Orlando Allen's plea of true be accepted and he be sentenced to a term of 9 months imprisonment, with no supervised release to follow. The Court further **RECOMMENDS** that Defendant serve his sentence at FCI Seagoville, if available. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

So ORDERED and SIGNED this 16th day of December, 2019.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE